

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 5:22-CR-00482
)	
Plaintiff,)	JUDGE CHARLES E. FLEMING
)	
vs.)	MAGISTRATE JUDGE CARMEN E.
)	HENDERSON
DEMONTE J. CARR, et al,)	
)	ORDER ACCEPTING/ENTERING
Defendants.)	PLEA OF GUILTY AND REFERRING
)	THE MATTER FOR PREPARATION
)	OF A PRESENTENCE REPORT

Before the Court is the Report and Recommendation (“R&R”) filed by United States Magistrate Judge Jonathan D. Greenberg recommending that the Court accept Defendant Carr’s (Defendant’s) guilty plea and enter a finding of guilty. (ECF No. 55). This matter was previously referred to Magistrate Judge Greenberg on consent of the parties to accept Defendant’s plea of guilty, conduct the colloquy prescribed by Fed. R. Crim. P. 11, cause a verbatim record of the proceedings to be prepared, refer the matter for preparation of a presentence report, and submit an R&R stating whether the plea should be accepted and a finding of guilty entered. (ECF No. 54).

On August 23, 2022, the government filed a three-count Indictment alleging that Defendant knowingly and intentionally conspired with co-Defendant Sierra Moore to distribute 50 grams or more of methamphetamine, and then possessed such methamphetamine with the intent to distribute, in violation of 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(A) (Counts 1 and 2); and knowingly possessed a firearm after having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (Count 4). (ECF No. 1). Defendant was released on bond on October 14, 2022 (ECF No. 21), but was later detained due to a change in circumstances on October 16, 2023 (ECF No. 47).

On April 2, 2024, Magistrate Judge Greenberg held a change-of-plea hearing. Defendant entered a plea of guilty, pursuant to a written plea agreement. (Non-Document Minutes of Proceedings (Apr. 2, 2024)). Pursuant to the written plea agreement, Defendant agreed to plead guilty to the lesser included offense of 21 U.S.C. § 841(b)(1)(C), rather than the charged violation of 21 U.S.C. § 841 (b)(1)(A). The same day, Magistrate Judge Greenberg issued an R&R recommending that the Court accept Defendant's guilty plea and enter a finding of guilty. (ECF No. 55). Any objections to the R&R were due on April 16, 2024. (*Id.*). Neither party has objected to the R&R.

On review of the record, the Court adopts the R&R. Defendant is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a guilty plea. He is also aware of the trial rights he waives/gives up by pleading guilty. There is an adequate factual basis for the plea. Defendant denied being threatened into entering the plea and confirmed that no promises have been made to him, other than those contained in the plea agreement. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea is accepted.

Therefore, Defendant is adjudged guilty of Counts 1, 2, and 4 of the Indictment, in violation of Title 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(C), and Title 18 U.S.C. §§ 922(g)(1). This matter is hereby **REFERRED** to the U.S. Probation Office for the preparation of a presentence report. Sentencing is set for July 18, 2024 at 10:00 AM.

IT IS SO ORDERED.

Date: May 2, 2024



CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE